

Presentation from the Uniform Rapid Suspension (URS) Practitioners Sub Team

Status Update Presentation to the Working Group

Wednesday, 01 August 2018



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◎ **Current Status:**

- Developed questions for URS practitioners;
- Administered a survey to a list of URS practitioners;
- Received and analyzed survey results;
- Identified suggested possible actions; and
- Discussed with full Working Group at ICANN62 and on 01 August 2018.

Survey Results

- ◎ Fourteen (14) Practitioners responded from a final invitation list of approximately 34 Practitioners
- ◎ Data set was limited to fourteen (14) responding parties (with 13 of the 14 representing Complainants), but
- ◎ The data collected has some instructional value:
 - 13 parties appear to have handled somewhere between 91 and 120 cases of the 827 total URS filings at the time of the Survey.

Overall Results

- Overall the Practitioner's Survey indicates that Practitioners' have a "Positive" view of the URS and find the URS to be "an effective RPM."
- Practitioners believe that the RPM is being used for "clear cases of abuse" as it was intended.
- Of the Practitioners who used the Appellate mechanisms, all characterized their experience as "positive."
- Most found that "the Decision/Determination provided the reasons upon which the decision was based, as required by Section 13(b) of the URS Rules."

Overall Results, Cont.

- ⦿ Most thought that the “standard of proof” is “adequate as is.”
- ⦿ Most responded that “existing limitations on the submission of evidence in a URS proceeding are appropriate.”
- ⦿ Most responded that the “URS Process as it now exists is an effective rights protection mechanism.”
- ⦿ No Practitioner indicated having “an experience with an Examiner having an actual or potential conflict of interest in a URS proceeding.”

Areas for Operational Fixes/Policy Recommendations

- ⊙ Respondents would find value in the creation of an “Overview for URS Decisions” (like the WIPO Overview on UDRP Cases)
- ⊙ One-third of Practitioners indicated “problems with the implementation of the relief awarded following a URS decision.” Their responses bear review:
 - “Registrars often do not respond to the request for renewal of the suspension
 - “Some registrars do not understand the process of paying for an additional year of suspension”
 - “In some cases, a losing Respondent is able to re-register a domain once it becomes available.”
 - After the lock, the cybersquatters just renew the domain name.”
 - “Any problems with Chinese Registrar in order to implement the decision”

Areas for Operational Fixes/Policy Recommendations, Cont.

- ⦿ About half agreed there should be “more guidance provided to educate or instruct practitioners on what is needed to meet the ‘clear and convincing’ burden of proof in a URS proceeding.
- ⦿ There was a split regarding the adequacy of relief (some expressed a desire for a transfer, others with a right of first refusal and others seeking a “voluntary (negotiated) transfer from the losing respondent to a prevailing complainant” option or cancellation).
- ⦿ Some thought the word limit of 500 words was too low: “arbitrary and often insufficient” and “should be slightly increased” were two responses.

Summary and Next Steps

- ⦿ **Summary:**

- The URS appears to be working for its intended purpose and the issues and “problems” with the URS are seemingly minor and fixable.

- ⦿ **Next Steps:**

- Working Group to agree to possible actions and/or recommendations to incorporate in the Initial Report.

Thank You and Questions